

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ESTATE OF JACOB APODACA, et al.,

Plaintiffs,

v.

COUNTY OF MERCED, et al.,

Defendants.

Case No. 1:23-cv-00171-JLT-SAB

ORDER DISCHARGING ORDER TO SHOW  
CAUSE AND DISMISSING ACTION  
PURSUANT TO NOTICE OF VOLUNTARY  
DISMISSAL

(ECF Nos. 29, 30)

On November 6, 2023, this matter was settled at a settlement conference and dispositional documents were to be filed withing sixty (60) days. (ECF No. 29.) On January 8, 2024, the Court issued an order to show cause as neither dispositional documents, nor a request for extension, was filed by the deadline. (ECF No. 30.) On January 8, 2024, a stipulation of dismissal was filed pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. (ECF No. 30.)

While no party has provided a response to the order to show cause, in light of the stipulation of dismissal filed the same day the order to show cause was issued, the Court shall discharge the order to show cause. However, in most cases, the Court would not discharge an order to show cause until the parties have shown cause in writing why sanctions should not issue.

///

///

1 In the January 8, 2024 stipulation of dismissal, the parties agree to dismiss the entire  
2 actions,<sup>1</sup> including all claims and defenses alleged by all parties with prejudice, and with the  
3 parties to bear their own costs and attorneys' fees. In light of the filing, this action has been  
4 terminated, Fed. R. Civ. P. 41(a)(1)(A)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th  
5 Cir. 1997), and has been dismissed with prejudice and without an award of costs or attorneys'  
6 fees.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The order to show cause issued on January 8, 2024, (ECF No. 30), is  
9 DISCHARGED; and  
10 3. The Clerk of the Court is DIRECTED to CLOSE the file in this case and adjust the  
11 docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

12 IT IS SO ORDERED.

13 Dated: **January 9, 2024**

14   
15 UNITED STATES MAGISTRATE JUDGE

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 

---

<sup>1</sup> On October 5, 2023, related cases 1:23-cv-00171-JLT-SAB and 1:23-cv-00864-JLT-EPG were consolidated, and 1:23-cv-00171-JLT-SAB was ordered to be the lead case. (ECF No. 21.)